

REMARKS

A. Status of the Claims

Claims 2-46 and 48-62 will be pending in the present application upon entry of this amendment. Claims 1 and 48 have been canceled. In the Decision on Appeal of August 13, 2009, the Board of Patent Appeals and Interferences decided that:

- The Examiner's rejection of claims 2, 3, 50, and 58 was reversed; and
- The Examiner's rejection of claims 1, 4, 8, 9-13, 26-31, 39-46, and 48 was affirmed.

Claims 2, 3, 50, and 58 have been amended to be in independent form, and are thus allowable. Claims 4, 8-10, 13, 18, 21, 26, 29, 30, 38, 39, 43-46, 48, 49, 51, 53, and 55 have been amended to depend from one of allowable claims 2, 3, or 50. Therefore, each of dependent claims 4, 8-10, 13, 18, 21, 26, 29, 30, 38, 39, 43-46, 48, 49, 51, 53, and 55 is in condition for allowance.

B. Teleconference

Applicants' representative, Monica De La Paz, spoke with Supervisory Examiner Larry Helms on Thursday, January 7, 2010 by telephone to discuss the propriety of the Notice of Abandonment dated November 9, 2009. Applicants' representative cited to 37 C.F.R. §41.54 ("Action following decision.") and MPEP §1214.06 to support Applicants' position that Applicants should not have received a Notice of Abandonment but instead should have received an Office Action specifically providing for an opportunity to amend the claims following the decision on appeal. Examiner Helms discussed the matter with Examiner Salimi. Examiner Helms invited Applicants to submit an amendment of the claims by email to Examiner Salimi. Examiner Helms indicated that a withdrawal of the abandonment would be submitted upon receipt of Applicants' amendment placing claims 2, 3, 50, and 58 in condition for allowance.

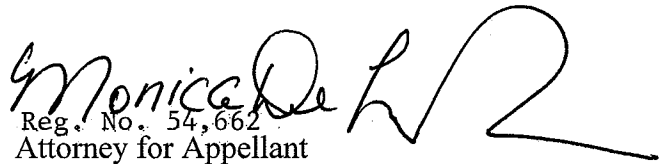
C. Remarks

Applicants herein submit an amendment in follow-up to the teleconference with Examiner Helms as discussed above. In view of the amendment, each of the pending claims is in condition for allowance. Applicants request that the Examiner provide Applicants with a fax (fax no. (512) 536-4598) or pdf (email: mdelapaz@fulbright.com) of the withdrawal of the abandonment notice as a courtesy, particularly in view of the forthcoming deadline of January 9, 2010 for submitting a petition to revive the application.

D. Conclusion

In light of the foregoing, Applicants submit that all pending claims are in condition for allowance. The Examiner is invited to contact Applicants' representative, Monica De La Paz, at (512) 536-5639 with any questions concerning this matter.

Respectfully submitted,


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